UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,765	11/04/1999	MICHAEL RICHARD COOPER	AT9-99-301	4335

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ART UNIT	PAPER NUMBER
2622	11

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-14 and 27-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _8 and 9_ is/are allowed.

6) ☒ Claim(s) _1-7, 10-14 and 27_ is/are rejected.

7) ☒ Claim(s) _28 and 29_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 4/11/03 have been fully considered but they are not

persuasive.

Applicant submits that Hunt does not disclose generating a version of the image

in response to a request from a client. The Examiner respectfully disagrees. Hunt discloses that

the data transmitted from the server to the client is customized in accordance with client supplied

information (col. 2, lines 14-23). Additionally, a **request** for a higher quality image can be

satisfied (col. 2, lines 23-25). Hunt discloses receiving a request from a client machine to the

server for a graphical image. The server then creates and transmits the graphical image to the

client based on the image size and format stipulated by the client request (col. 2, lines 44-65).

Image customization is obviously being done based on the supplied client information. Still

additionally, Hunt discloses that upon receiving the request for a customization image, the

graphical image file is **customized** based on the graphical image request for the client. Hunt

clearly discloses that the customization of the graphical image file into a format, a size dictated

or determined by the client is done **after** the request has been made (col. 9, line 59 – col. 10, line

15). This **clearly** shows that a version of the image is generated **after** a client request has been

received by the server.

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

Response to Amendment

2.   Applicant's arguments with respect to claim 6 have been considered but are moot in view

of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>
> manner in which the invention was made.

4.   Claims 1-5, 10-14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hunt et al. (U.S. Patent No. 5,764,235).

For claim 1, Hunt discloses a method in a server (102, Fig. 1A) for serving an image from

the server to a client (104, Fig. 1A), comprising the steps of: receiving a client request from the

client (col. 2, lines 31-52), wherein the client request specifies a set of one or more bitmap

characteristics for an image transfer (col. 11, line 65 – col. 12, line 6), responsive to the client

request, generating a version of an image for the image transfer that conforms to the set of

specified bitmap characteristics; and serving the version of the image back to the client (col. 2

lines 47-52; col. 5, lines 7-32).

Hunt fails to directly teach that at least one of the bitmap characteristics includes a

number of bits per pixel. However, Hunt discloses a method for serving an image from a server

to a client in which image control information from the client is used by the server to determine

the data size and image quality, determined format being suitable for storing, displaying or

printing an image associated with the control information received (col. 3, lines 3-12). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

consider that the control information sent by the client to the server for determining a format

suitable for storing, displaying or printing an image as taught by Hunt would include specifying a

bitmap characteristic such as the number of bits per pixel. Specifying the number of bits per

pixel sets the color depth of the image, allowing the user to control image quality.

For claim 2, Hunt discloses a method in a server for serving an image from the server to a

client wherein the set of bitmap characteristics includes a bitmap compression format (col. 1,

lines 48-67; col. 8, line 46 – col. 9, line 5).

For claim 3, Hunt discloses a method in a server for serving an image from the server to a

client wherein the step of generating the version of the image includes processing the image

according to the specified bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9,

line 5).

For claim 4, Hunt discloses a method in a server for serving an image from the server to a client wherein the bitmap compression format is lossy ("progressive JPEG", col. 8, lines 46-55).

For claim 5, Hunt fails to directly teach a method in a server for serving an image from the server to a client wherein the bitmap compression format is non-lossy. However, Hunt teaches a method in a server for serving an image from the server to a client wherein various compression techniques such as 'JPEG' are used (col. 1, lines 48-52). JPEG compression techniques comprise of various methods, which are lossy (progressive JPEG) and non-lossy (JPEG-LS). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the JPEG compression taught by Hunt encompasses the non-lossy JPEG-LS. This would allow for the user to control whether the compression losses any data.

For claim 10, Hunt discloses a method for serving an image from a server (102, Fig. 1A) to a client (104, Fig. 1A), comprising the steps of; storing an image at the server (col. 4, line 65 – col. 5, line 2); at the client, specifying a set of one or more bitmap characteristics for an image transfer (col. 11 line 65 – col. 12, line 6), at the server, responsive to a client request that includes data identifying a specified bitmap characteristic, generating a version of the image that conforms to the specified characteristic; and serving the version of the image back to the client (col. 2, lines 47-52; col. 5 lines 7-32).

For claim 11, Hunt discloses a method for serving an image from a server to a client wherein the client is a computer having a browser for issuing the client request (Fig. 9; col. 10 lines 16-54).

For claim 12, Hunt discloses a method for serving an image from a server to a client wherein the bitmap characteristics include a bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9, line 5).

For claim 13, Hunt fails to directly teach that the bitmap characteristics include a number of dots per inch on a printer associated with the client. However Hunt discloses a method for serving an image from a server to a client in which image control information from the client is used by the server to determine the data size and image quality, determined format being suitable printing an image associated with the control information received (col. 3, lines 3-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the control information sent by the client to the server for determining a format suitable printing an image as taught by Hunt would include specifying a bitmap characteristic such as the number of dots per inch. Specifying the number of dots per inch allows the user to control image quality.

For claim 14, Hunt discloses a method in a server for serving an image from the server to a client wherein the image is stored at the server in a high resolution format (col. 3, lines 62-66).

For claim 27, Hunt discloses a method in a server for serving an image from the server to a client wherein the image transfer is for a web page (Fig. 9; col. 10, lines 16-54).

5.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. ('235') as applied to claims 1 above, and further in view of Lo et al. (U.S. Patent No. 5,911,044).

For claims 6 and 7, Hunt fails to teach a method in a server for serving an image from the server to a client by setting a graphical control in a graphical user interface wherein the graphic control is a slider having first and second positions and a plurality of intermediate positions.

Lo discloses a method and apparatus for transferring an image over a server to a client by setting a graphical control in a graphical user interface wherein the graphic control is a slider having first and second positions and a plurality of intermediate positions (Fig. 10; col. 15, lines 41-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image transmitting system of Hunt with the image scanning system which transmits images over a network of Lo because both teach systems and apparatuses for transmitting images with client specified characteristics over a network to the client. The improvement of Hunt by Lo would allow for a user-friendly interface for adjusting image characteristics.

Allowable Subject Matter

6.   Claims 8 and 9 are allowable.

Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8 and 9 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches: a method in a server for serving an image from the server to a client wherein the graphic control is a slider having first position which selects a subset of

bitmap characteristics for a fastest download and lowest quality version of the image, and

wherein the second position selects a subset of bitmap characteristics for a slowest download and

highest quality version of the image.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

a. Northcutt et al. (U.S. Patent No. 5,442,749) discloses a network video server apparatus

and method for transferring specific formatted video image data across a computer network

serving multiple clients.

b. Taaffe et al. (U.S. Patent No. 5,179,651) discloses an apparatus for retrieval and

processing of selected archived images for display at workstation terminals.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason L Sherrill whose telephone number is 703-306-4053. The

examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward Coles can be reached on 703-305-4712. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-308-5397 for regular

communications and 703-306-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

JLS
June 14, 2003

EDWARD COLES
SUPERVISORY PATENT EXAMINER
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